GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

All India Services – Indian Police Service – Reallocation of Ms. N. Swetha, IPS (RR:2012), Karnataka Cadre to IPS Cadre of Andhra Pradesh – Order of Government of India – Republished.

==========

GENERAL ADMINISTRATION (SC-C) DEPARTMENT

G.O.Rt.No.2244 Dated:21.07.2015.
Read:

From the MHA, GoI, order I-14012/05/2014-IPS-IV, dated:03.07.2015.

O R D E R:

The following Order of Government of India, Ministry of Home Affairs shall be republished in the extraordinary issue of A.P., Gazette.

New Delhi,
Dated: the 3rd July, 2015.

O R D E R:

WHEREAS, the Central Government decided to fill up 150 vacancies in the Indian Police Service on the basis of CSE-2011, conducted by the Union Public Service Commission. Out of 150 vacancies 78 were for General category, 37 for OBC, 21 for SC and 1 4 for ST category candidates.

2. AND WHEREAS, the Department of Personnel and Training allotted 150 candidates including Ms. N. Swetha, Rank No. 163 to the Indian Police Service on the basis of Civil Services Examination - 2011. Further, Ms. N. Swetha was allocated to Karnataka Cadre as Unreserved (UR) outsider. Domicile of Ms. N. Swetha is Andhra Pradesh and she had opted for allocation of Andhra Pradesh as Home State as her first choice in the relevant column of her application form.

3. AND WHEREAS, allocation of cadres to the candidates selected for appointment to the Indian Police Service is made strictly in accordance with the principles of cadre allocation laid down in Rule-5(1) of the Indian Police Service (Cadre) Rules, 1954 and the related guidelines contained in the Cadre Allocation Policy for the All India Services issued by the DoP&T vide OM dated 10.04.2008.

4. AND WHEREAS, for the Civil Services Examination-2011, there were seven vacancies to be filled up in Indian Police Service Cadre of Andhra Pradesh. Out of these 07 vacancies of the State, two vacancies were earmarked for General category, two vacancies for OBC. Two vacancies for SC and one vacancy for ST candidates. Further, due to reallocation of the Cadre of Shri Avinash Mohanty, IPS, 2004 Batch to Andhra Pradesh Cadre pursuant to the Order dated 22-03-2007 of the Hon'ble High Court of Andhra Pradesh in the W.P.No. 458 of 2007 and upheld by Hon'ble Supreme Court of India in their Order dated 12.07.2011 in the Civil Appeal No.2550 & 2551 of 2010, one insider point in the vacancy Roster of Andhra Pradesh for 2011 got consumed.

5. AND WHEREAS, as per the 30 Point Vacancy Roster, one vacancy was earmarked as insider and other six vacancies were earmarked as outsider. Further, as per 30 Point Reserve Roster, the insider vacancy was earmarked for ST category and out of six outsider vacancies two vacancies were earmarked each for General, OBC and SC categories.

6. AND WHEREAS, Ms. N. Swetha, Rank-163 who qualified the Civil Services Examination, 2011 as General category candidate was allocated to IPS Cadre of Karnataka against the outsider General category vacancy.

Contd...2.

7. AND WHEREAS, aggrieved by her allocation to IPS cadre of Karnataka as General category outsider, Ms. N. Swetha filed an Original Application No. 725 of 2013 before the Hon'ble Central Administrative Tribunal, Hyderabad Bench contending that she is the first Rank holder in the State of Andhra Pradesh, she ought to have been considered for insider vacancy and allocated to Andhra Pradesh Cadre. The O.A. No. 725 of 2013 filed by Ms. N. Swetha was disposed by the Hon'ble Central Administrative Tribunal vide its Order dated 07.01.2014. The operative portion of the Order dated 07.01.2014 reads as under:-

> *In* the circumstances, the *O.A.* is *allowed* and the *impugned* Proceeding No. *1-12015/1/201 1-IPS.IV and No. I-14012/07/2013-lPS.IV dated 15.03.2013 and 17.05.2013 respectively are quashed in so far as it allocates the applicant to the Karnataka* Cadre as an *outsider* and to *the extent* necessary to make *appropriate consequential changes and fresh Orders have to be passed with regard to the* allocation of *the applicant in the light of the observation in this* O.A. *and such Orders have to be passed within a period of six weeks from the date of receipt* of a copy *of this Order*. We make *it clear that* we do *not intend to give any direction to disturb the allotment of Shri C.M. Thri Vikrama* Varma to *Andhra Pradesh* Cadre *in 2004. It is for the* concerned *authority to take a decision*."

8. AND WHEREAS, the Ministry of Home Affairs (MHA) challenged the CAT Order dated 07.01.2014 before the Hon'ble High Court by filing Writ Petition No. 29832 of 2014. The Writ Petition filed by MHA was dismissed by the Hon'ble High Court vide their Order dated 2nd December, 2014, with the following observations:-

> " The averments in the Counter Affidavit as well as in the Writ Petition would go to show that 1st Petitioner herein has minimal respect to the Orders of this Court as well as Supreme Court….. Therefore, in all fairness allotment of Shri CM. Thri Vikrama Varma to the Andhra Pradesh Cadre as insider OBC category ought to have been cancelled by the 1st Petitioner herein and allotted to some other State as per his eligibility and the Rank secured by taking the options into consideration given by him. But that has not been done so. Instead of cancelling allotment to the State of Andhra Pradesh as insider, the Ist Petitioner herein created a supernumerary post of insider to accommodate Shri Avinash Mohanty. The said allotment is contrary to the directions given by this Court, which was confirmed by the Supreme Court. The 1st Petitioner herein has not taken any decision in accordance with the guidelines and administrative instructions for allotment of Shri C.M. Thri Vikrama Varma to any other State as outsider, for which he is eligible."
>
> "Accordingly, the Writ Petition is dismissed. No Order as to costs. Miscellaneous Petitions, if any pending, in the Writ Petition shall stand closed."

9. AND WHEREAS, the matter was, referred to the Department of Personnel & Training and Ministry of Law for their considered opinion/advice in the matter. The advice of Department of Legal Affairs reads as under:-

> " The Hon'ble CAT in its judgment dated 07.01.2014 in O.A. No. 725/2013 - N. Swetha vs UOI and Others is entirely correct in holding that the applicant N. Swetha is entitled for allocation of Andhra Pradesh Cadre in accordance with the law. The Hon'ble Andhra Pradesh High Court in its judgment dated 02.12.2014, clearly holds that the allocation of Andhra Pradesh Cadre in favour of Shri Vikrama Verma had been quashed in W.P. No

Contd...3.

458/2007 and had correctly directed Department to reconsider the allocation of Cadre to Shri Avinash Mohanty and Shri Vikrama Varma in accordance with law. This has not been taken into consideration. It has also been observed that instead of cancelling the allocation of State of Andhra Pradesh, the Department had created a supernumerary post. It has also been held that the said allotment is contrary to the directions issued by the High Court."

10. AND WHEREAS, as per the advice of Ministry of Law, Department of Legal Affairs, the Ministry of Home Affairs decided to implement the direction dated 07.01.2014 of the Hon'ble Central Administrative Tribunal, Hyderabad Bench in the O.A. No. 725 of 2013 as upheld by the Hon'ble High Court of Andhra Pradesh vide Order dated 02.12.2014 in W.P. No. 29832 of 2014.

11. AND NOW, THEREFORE, the Central Government, in compliance with the direction of the Hon'ble Tribunal and in exercise of powers conferred by sub-rule (1) of Rule-5 of the Indian Police Service (Cadre) Rule, 1954, allocates Andhra Pradesh Cadre to Ms. N. Swetha, IPS of 2012 Batch on the basis of the results of the Civil Services Examination, 2011, with immediate effect. The Central Government has, also decided that while reallocating Cadre to Ms. N. Swetha, from Karnataka to Andhra Pradesh, she will be adjusted against the existing vacancy of IPS officers in Andhra Pradesh as one time measure and no supernumerary post will be created to use future vacancy in order to avoid any disturbance in the Roster as well as any future litigation in the matter. It is ordered accordingly.

Sd/-
(G.C.Yadav)
Deputy Secretary (Police)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.Y.R. KRISHNA RAO
CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery & Stores Purchase, A.P., Hyderabad
(2 copies for publication of the Notification in the extra-ordinary issue of Andhra Pradesh Gazette).
The Members of Service concerned.
(Through the D.G.P. A.P. Hyderabad)
The Director General of Police, A.P., Hyderabad.
The Principal Secretary to Government, Home Department, AP.
The Pay & Accounts Officer, AP, Hyderabad.

Copy to:

The Additional Director General of Police, Intelligence, AP, Hyderabad.
The Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi – 110 001.
The Principal Accountant General (A&E), A.P. & Telangana, Hyderabad.
The Prl. Secretary to CM / Secretary to CM./OSD to Dy.CM (Home & Disaster Management)
The P.S. to C.S. / P.S. to Secy. (Poll) / P.A. to Dy.Secy.(AIS) & (L&O)./ A.S. (AIS.II)
The General Administration (SC.D/SC.E/SC.X/Accom.B)/(AR&T.I) Dept.
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)